

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

BOSTON SCIENTIFIC CORPORATION and )  
BOSTON SCIENTIFIC SCIMED, INC., )  
  )  
  )  
Plaintiffs, )  
  )  
  )  
v. )  C.A. No. 05-768-SLR  
  )  
CONOR MEDSYSTEMS, INC., )  
  )  
  )  
Defendant. )

**CONOR'S RESPONSE TO BSC'S THIRD NOTICE OF DEPOSITION**

Conor Medsystems, Inc. ("Conor") hereby objects and responds to Boston Scientific Corporation and Boston Scientific SciMed, Inc. (collectively, "BSC")'s Third Notice of Deposition Pursuant to Federal Rule of Civil Procedure 30(b)(6) ("Notice"), served on February 7, 2007, as follows:

**GENERAL OBJECTIONS**

Conor incorporates by reference its General Objections set forth in Conor's Response to BSC's Notice of Deposition.

**SPECIFIC OBJECTIONS AND RESPONSES**

**CATEGORY NO. 1:**

The basis of Conor's contention that BSC is not entitled to injunctive relief, including in particular the statements in Conor's Response to BSC's Interrogatory No. 10.

**RESPONSE TO CATEGORY NO. 1:**

Conor objects to this topic to the extent it seeks the production of documents or information protected by the attorney-client privilege, work-product immunity or other applicable privilege or immunity. Conor further objects to this topic as seeking information

properly requested in a contention interrogatory. Conor has already fully responded to an interrogatory on this question. Conor will not produce a fact witness on this topic. See, e.g., Judge Robinson's ruling in Arthrocare v. Smith & Nephew, 01-504 (D. Del.), D.I. 177, 01-504 (Oct. 15, 2002 Tr. at 13-14); Exxon Research v. United States, 44 Fed. Cl. 597 (1999) (quashing 30(b)(6) notice on claim construction in favor of contention interrogatories); In re Indep. Serv. Orgs. Antitrust Litig., 168 F.R.D. 651, 654 (D. Kan. 1996) (rejecting contention depositions in favor of contention interrogatories); McCormick-Morgan, Inc. v. Teledyne Industries, 134 F.R.D. 275 (N.D. Cal. 1991) (prohibiting 30(b)(6) depositions on contentions relating to the merits of patent case).

ASHBY & GEDDES

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Dated: February 27, 2007  
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